

# HOUSE BILL No. 1629

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5.

**Synopsis:** Imprisonment for operating a vehicle while intoxicated. Requires a court to order a person who has been convicted of operating a vehicle while intoxicated to be imprisoned for a certain minimum number of days based on: (1) the type of offense the person committed; and (2) the number of previous convictions for operating a vehicle while intoxicated that the person has accumulated. Repeals the current provision concerning mandatory imprisonment for operating a vehicle while intoxicated.

**Effective:** July 1, 1999.

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**Mellinger, Kruse, Kruzan**

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January 21, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1629

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-30-5-15.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 15.3. (a) In addition to any criminal penalty imposed**  
4 **for an offense under this chapter, the court shall order that a**  
5 **person be imprisoned for the offense as follows:**

6       **(1) If the person is convicted of a Class C misdemeanor and**  
7 **the person:**

8           **(A) does not have a previous conviction of operating while**  
9 **intoxicated, the court shall order that the person be**  
10 **imprisoned for at least ten (10) days; or**

11          **(B) has at least one (1) previous conviction of operating**  
12 **while intoxicated, the court shall order that the person be**  
13 **imprisoned for at least thirty (30) days.**

14       **(2) If the person is convicted of a Class B misdemeanor, Class**  
15 **C misdemeanor, or felony and the person:**

16           **(A) does not have a previous conviction of operating while**  
17 **intoxicated, the court shall order that the person be**



1           imprisoned for at least ten (10) days;

2           (B) has one (1) previous conviction of operating while  
3           intoxicated, the court shall order that the person be  
4           imprisoned for at least thirty (30) days;

5           (C) has two (2) previous convictions of operating while  
6           intoxicated, the court shall order that the person be  
7           imprisoned for at least ninety (90) days; or

8           (D) has at least three (3) previous convictions of operating  
9           while intoxicated, the court shall order that the person be  
10          imprisoned for at least one hundred eighty (180) days.

11          (b) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a term of  
12          imprisonment imposed under this section may not be suspended.

13          (c) The court may require that a person serve a term of  
14          imprisonment imposed under this section in an appropriate  
15          facility.

16          SECTION 2. IC 9-30-5-15 IS REPEALED [EFFECTIVE JULY 1,  
17          1999].

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